

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 1-31 and 33-41 are pending in the present application.

The Examiner's allowance of Claims 36 - 41 is acknowledged and the notice that claims 7-9, 18-20, 30, and 31 would be allowable if rewritten in independent form is appreciated.

Claims 1-6, 10-17, 21-29, and 33-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,805,117 to Ho ("the '117 patent"). Specifically, the Examiner stated:

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another" or by an appropriate showing under 37 CFR 1.131.

Enclosed herewith is a "Declaration Under 37 C.F.R. §1.132 to Disqualify Commonly Owned Prior Art" (hereinafter "the Declaration"). It is respectfully submitted that the Declaration sufficiently shows that any invention disclosed but not claimed in the '117 patent was derived by the inventor of the above-captioned application, and is thus not the invention "by another". Thus, it is believed that Claims 1-6, 10-17, 21-29, and 33-35 are in condition for allowance and it is respectfully requested that the rejection of Claims 1-6, 10-17, 21-29, and 33-35 pursuant to 35 U.S.C. § 102(e) with respect to the '117 patent be withdrawn.

With respect to Claims 7-9, 18-20, and 30-32, which the Examiner stated would be allowable if rewritten in independent form, Claims 7-9 indirectly depend from allowable independent Claim 1, Claims 18-20 indirectly depend from allowable independent Claim 12, and Claims 30 and 31 indirectly depend from allowable independent Claim 24. As a result, it is

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believed that Claims 7-9, 18-20, and 30-32 are allowable as currently written and it is respectfully requested that the objection to Claims 7-9, 18-20, and 30-32 be withdrawn.

For the reasons discussed above, it is believed that the present application is in condition for allowance and a notice to that effect is earnestly solicited. This Response is being filed within two months after the mailing of the final office action. **If the Examiner is of the opinion that certain aspects of the application are not in condition for allowance, it is respectfully requested that an Advisory Action be mailed immediately and/or that the Examiner contact the applicant at the number listed below.**

Respectfully submitted,

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Attached: Declaration Under 37 CFR §1.132